

**CITY OF NEWPORT**  
**DOCKET OF THE COUNCIL MEETING**  
**APRIL 11, 2012**

The following items of business, filed with the City Clerk under the Rules of the Council, will come before the Council at its regular meeting to be held on April 11, 2012, at 6:30 P.M.

***PLEDGE OF ALLEGIANCE TO THE FLAG***

**CITIZEN'S FORUM:** (Speakers must sign in with the City Clerk). The Citizen's Forum period shall be no longer than fifteen minutes and citizens may address the Council on **one subject only and for no longer than three minutes**. Issues to be discussed shall not include matters to be considered or discussed as part of the regular council agenda and must be related to substantive city business. No comments regarding personnel or job performance are allowed.

1. **PUBLIC HEARING:** Amending Title 17 of the Codified Ordinances, entitled, "Zoning," specifically, Sections 17.04.050, "General Requirements"; "Section 17.08.050, "Definitions"; and creating a new Chapter 17.86, "Demolition of Structures."
  - a. Recommendation of the Planning Board
  - b. Ordinance amending Title 17 of the Codified Ordinances, entitled, "Zoning," specifically, Sections 17.04.050, "General Requirements"; "Section 17.08.050, "Definitions"; and creating a new Chapter 17.86, "Demolition of Structures." (First Reading)
  
2. **CONSENT CALENDAR.** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)

It is the practice of the Council to meet at 6:20 p.m. in the second-floor Conference Room to discuss docket items. The public is invited to attend. The docket, along with all supporting documents, can be viewed on the City of Newport website: [www.cityofnewport.com](http://www.cityofnewport.com) – "Current Newport City News & Announcements" – Click on "MORE NEWS." Council Meetings can be viewed on Cox Cable, Channel 18; check local listings for dates and times. A DVD of the Council Meeting will be available at the Newport Public Library within 48 hours of the meeting.

LIVE VIDEO CONFERENCING OF COUNCIL MEETINGS AND WORKSHOPS WILL BE AVAILABLE AT THE NEWPORT POLICE STATION, WHICH IS ACCESSIBLE AND MEETS ADA REQUIREMENTS, **BASED UPON NOTIFICATION TO THE CITY MANAGER'S OFFICE (845-5429) A MINIMUM OF 48 HOURS IN ADVANCE OF THE MEETING.** INDIVIDUALS REQUIRING INTERPRETER OR OTHER ACCOMMODATIONS MUST NOTIFY THE CITY MANAGER'S OFFICE TWO WEEKS IN ADVANCE OF THE MEETING.

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- a. Minutes of the March 14 and March 28, 2012, Council Meetings (Approve)
- b. Special Event Licenses:
  - (1) Aquidneck Elementary School, Middletown, RI, d/b/a Aquidneck Elementary Variety Show; Rogers High School, May 11, 2012, from 6:00 p.m. to 9:00 p.m.
  - (2) Manuka Sports Event Management, LLC, d/b/a Atlantic Cup/Sailing Race (Receptions); Newport Shipyard, 1 Washington St., May 26 and 27, 2012, from 9:00 a.m. to 7:00 p.m.
  - (3) Music Box, Inc., d/b/a Helly Hansen Newport, 2012 Warehouse Sale; Newport Yachting Center, 4 Commercial Wharf, August 2, from 5:00 p.m. to 9:00 p.m.; August 3 and 4, from 9:00 a.m. to Midnight; and August 5, from 9:00 a.m. to 9:00 p.m.
- c. Daily Entertainment License, Ancient Order of Hibernians, 2 Wellington Ave., April 28, 2012, from 6:00 p.m. to Midnight.
- d. Holiday Selling License, New:
  - (1) El Zorro, LLC, d/b/a J. H. Breakell & Co., 128 Spring St. (new owner)
  - (2) Brooks Brothers Group, Inc., d/b/a Brooks Brothers Country Club, 139 Swinburne Row (New owner)
  - (3) Three Golden Apples, LLC, d/b/a Three Golden Apples, 140 Bellevue Ave. (New owner)
- e. 2012-13 Holiday Selling License Renewals (listed at end of docket)
- f. Pedicab Operator License:
  - (1) Kevin Kosinski, 414 Mitchell's Lane, Middletown, RI
  - (2) Nathan Mello, 10 North Brayton Rd., Tiverton, RI
  - (3) William Oberg, 150 Panto Rd., Warwick, RI
  - (4) Kenneth J. Rudman, 2 Castle Hill Ave., Newport, RI
- g. Second-hand License, Renewal, GameStop, Inc., d/b/a GameStop #3842, 163 J. T. Connell Highway

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- h. Sidewalk Café License, Renewal, Howley Bread Group, Ltd., d/b/a Panera Bread, 49 Long Wharf Mall North
- i. Victualing License, Renewal, Duckets, Inc., d/b/a Colonial Restaurant, Easton's Beach, 175 Memorial Blvd.
- j. Communication from Pyro Engineering, Inc., d/b/a Bay Fireworks, asking permission for a 7-minute fireworks display from a barge off of Cliff Walk for the Rosecliff Senior Class Ball – May 16, 2012, some time between 8 p.m. and 10 p.m. (Approve subject to details being worked out with the city administration)
- k. Communication from the Development Coordinator, RI Chapter of the National Multiple Sclerosis Society, re: “Bike MS: Ride the Rhode Charity Bike Ride,” June 16, 2012, winding through RI and traveling on Admiral Kalbfus Road prior between 7:10 and 7:45 a.m. (Approve subject to details being worked out with the city administration)
- l. Communication from Newport Little League/Newport Girls Softball, re: request for use of Braga Park for Newport Softball. (Approve subject to details being worked out with the city administration)
- m. CRMC Notice of Public Hearing (April 16, 2012, at 6:30 p.m., Newport Police Station Assembly Room), File No. 2010-05-070, Application of the City of Newport to construct and maintain a public “Touch and Go” boating facility consisting of 393 linear feet of concrete floating docks and associated pilings. (Receive)
- n. CRMC Notice of Public Notice, File No. 2012-02-080, Application of RI Dept. of Environmental Management for an Assent to install four floating docks with tie-off piles on south side of Alofsin dock and one floating dock on the north side of the pier at Fort Adams State Park , as part of the America's Cup Race Series and other park improvements. (Receive)
- o. RI Department of Administration, Statewide Planning Council, Notice of Public Hearing, re: adoption of a draft plan entitled, “Rhode Island Water 2030.” (Receive)
- p. RI Division of Public Utilities and Carriers, Notice of Public Hearing, request of Newporttravel, LLC, to place a 24-passenger bus into service for the Newport tour. (Receive)

**LICENSES & PERMITS**

3. Annual Catering License, New, A&O, Inc., d/b/a Asterisk, 599 Thames St.
4. Annual Catering License, New, Garnish Events, LLC, d/b/a Garnish Kitchen, 469 Thames St.
5. Second-hand License, New, Franklin and Company, LLC, d/b/a Franklin and Company, 22 Franklin St.
6. Holiday Selling License, New, Franklin and Company, LLC, d/b/a Franklin and Company, 22 Franklin St.
7. Victualing License, New, Orange Leaf Frozen Yogurt, 198 Thames St.

**COMMUNICATIONS AND PETITIONS**

8. Communication from the Executive Director of the Aquidneck Island Planning Commission, re: Update on significant initiatives addressing the Island communities, and the current status of the 2012 implementation phase of the reuse of Navy properties.
9. Communication from the Historic District Commission asking to address the Council regarding Demolition Through Owner Neglect, and Petitioning the Council to find two specific properties to be in a state of owner neglect.

10. **APPOINTMENTS TO BOARDS AND COMMISSION**

Tree & Open Space Commission (2 Vacancies) -- Applicant: Nancy Custin  
Beach Commission (3 Vacancies) – Applicant: Wayne Craft

**RESOLUTIONS**

11. Changing the name of “McCormick Drive” back to its original designation of “McCormick Road.” – J. Napolitano
12. Opposing 2012-H 7867, passage of which would implement a 50% reduction in municipal permit fees for a period of 24 months, and institute a moratorium on the assessment and development of municipal impact fees for 36 months – K. Leonard, S. Waluk, J. Napolitano, H. Winthrop, J. McLaughlin

13. Reconstitution of the Washington Square Advisory Commission – N. Neville, S. Waluk, H. Winthrop, J. McLaughlin, K. Leonard, J. Napolitano
14. In support of 2012 Legislation: H-8006/S-2826, to provide additional authorization to “highly distressed communities” to act in modification of police and fire labor contracts; H-8009/S-2825, allow a municipality with a locally administered pension that is in critical status to suspend future benefit adjustments to retirees after certain findings are made; H-8010/S-2824, to prohibit municipal ordinances, collective bargaining agreements, and interest arbitration awards from providing employee retirement benefits exceeding the actuarial value of benefits afforded in the municipal employees retirement system, and would further authorize city and town councils to amend retirement benefits for new and non-vested employees; and H-8012/S-2829, which provides that supplemental appropriations for the payment of past annual expenditures would not be used in the computation of the maintenance of effort requirements – S. Waluk, H. Winthrop, J. McLaughlin
15. Requesting a mandatory penalty of not less than \$750 plus 60 days of community service for those convicted of defacing public or private property with graffiti – C. Duncan

### **ORDINANCES**

16. Amending Chapter 5.12.040, “Number of Licenses Permitted,” to create one Class T Alcoholic Beverage License (Second Reading)
17. Amending Chapter 2.120.010, “Alcoholic Beverage Licenses” (General Fee Schedule) to establish an annual fee of \$500 for a Class T License (Second Reading)
18. Amending Chapter 5.08.097 of the Codified Ordinances, entitled, “Pedicab,” to provide authority to the Chief of Police, or his designee, to deny, suspend, or revoke a Pedicab Operator’s License. (Second Reading)

### **COMMUNICATIONS FROM THE CITY MANAGER**

19. Action #4970/2012, re: Community Development Block Grant Application (with accompanying resolution) (Continued from March 28, 2012)

20. Action #4979/2012, re: Action #4979, re: Stimulus Funding – Community Development Block Grant Application (with accompanying resolution)
21. Action #4980/2012, re: Bid Award for Fuel Dispensing System Upgrade (with accompanying resolution)
22. Action #4981/2012, re: Bid Award for Sanitary Sewer System Improvement Project (with accompanying resolution)
23. Action #4982/2012, re; Phase 3 – Contract for Engineering Services for Sanitary Sewer Improvement Project (with accompanying resolution)
24. Action #4983/2012, re: Termination of Lease Agreement for Cell Tower at Reservoir Road Water Tower (with accompanying resolution)

ADJOURN AS COUNCIL AND CONVENE AS BOARD OF LICENSE COMMISSIONERS

## **BOARD OF LICENSE COMMISSIONERS**

1. **CONSENT CALENDAR** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)

Class F Daily Liquor License:

- (1) The Newport Festivals Foundation, d/b/a Newport Folk Festival; Fort Adams State Park, July 28 and 29, 2012, from 12 Noon to 6:00 p.m.
- (2) The Newport Festivals Foundation, d/b/a Newport Jazz Festival; Fort Adams State Park, August 4 and 5, 2012, from 12 Noon to 6:00 p.m.

### **LICENSES & PERMITS**

2. Sunday Selling License, Renewals:
  - (a) Newport Wine Cellar, LLC, d/b/a Newport Wine Cellar, 24 Bellevue Ave.
  - (b) IDC Rum Runner, Inc., d/b/a Rum Runner, 5 Marina Plaza

ADJOURN

Kathleen M. Silvia  
City Clerk

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**Holiday Selling**

<b>D/B/A</b>	<b>Organization Name</b>	<b>Number on</b>	<b>Street Address</b>
Arnold Art Store &	Arnold Art, Inc.		210 Thames St.
Ash Mart	Ash Mart, Inc.		2 Carroll Avenue
Bite Me Live Bait	Arkwear, Inc.		337 Thames St.-Perry Mill Unit
Breakell J. H. Breakell & Co.			128 Spring St.
Brooks Brothers Country	Brooks Brothers Group, Inc.		139 Swinburne Row
Cabbage Rose	Janet Culkins		493 Thames St.
Destination: Chocolate	Destination: Chocolate LLC		15 Bowens Wharf
Diva	Chatree Sachayansrisakul		433 Thames St.
Five Below	Five Below Inc.		199 Connell Highway
Francesca's Collections	Francesca's Collections Inc.		15 Long Wharf
Goodies by the Sea	Goodies by the Sea, LLC		22 Long Wharf Mall South
Handy Variety	Rafic El Hariri		458 Thames St
K & K Food Mart	Abdul-Qudoos Khan		10 Connell Highway
Narragansett LTD	Pendleton Farms, LTD		3 Bowens Wharf
Newport CEIBA	Iris J. Quiroa		154 Broadway
Newport Marriott Hotel	Marriott Hotel Services, Inc.		25 Americas Cup Ave.
Oriental Arts LTD	Oriental Arts LTD		103 Swinburne Row
Royal Male	Royal Male, LTD		104 Spring St.
Royal Warrant	Royal Male, LTD		18 Bannisters Wharf
Save The Bay	Save The Bay, Inc.		175 Memorial Blvd.
Shambala Treasures	Tsultrem Kunsang		205 Goddard Row
Sole Desire	Heavenly Soles, Inc.		131 Swinburne Row
S.O.L. Optics	COT Inc.		393 Thames ST.
Stardust Fashion Jewelry	Jane Kropp		359 Thames St.
Thames Street Shirt	Thames Street Shirt Company		410 Thames St.
Trendz	Trendz LLC	359	Thames St.
Tropical Gangsters	Tropical Gangsters Southside, Ltd.		375 Thames St.